

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND COMMERCE

Call to Order: By **CHAIRMAN JEFF PATTISON**, on January 30, 2003 at 8 A.M., in Room 317-C Capitol.

ROLL CALL

Members Present:

Rep. Jeff Pattison, Chairman (R)
Sen. Bill Tash, Vice Chairman (R)
Sen. Edward Butcher (R)
Rep. John Musgrove (D)
Sen. Linda Nelson (D)
Rep. Rick Ripley (R)
Sen. Debbie Shea (D)

Members Excused: None

Members Absent: None.

Staff Present: Kelly Gorin, OBPP
Gary Hamel, Legislative Branch
Elaine Olsen, Committee Secretary
Doug Schmitz, OBPP

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Time stamp refers to the material which follows.

Committee Business Summary:

Hearing & Date Posted: None
Executive Action: Fish Wildlife and Parks Budget

All votes are voice votes unless otherwise indicated.

{Tape: 1; Side: A; Approx. Time Counter: 1 - 7}

DP201

Glenn Erickson, Administrator, Field Services Division, said the Division had nine present law adjustment decision packages. Decision Package(DP)201 would restore \$733,000 spending authority that was unused in the base year for each of the fiscal years. The funding includes two FTE which will be used for ten seasonal technicians with the Block Management program. The revenue was originally allocated in the 2001 Session through SB285, the Hunting Access Enhancement fee of \$2 for residents and \$10 for nonresidents. The funds were not collected and made available until FY03, so it was not included in the base authority.

Glenn Erickson continued, stating that the original estimate of fees was \$802,000, but the actual amount at this time is \$733,000. The request would bring the base appropriation in the base year up to what it is now in FY03 which is about \$5.5 million.

SEN. NELSON asked what was entailed in assisting the landowners. **Glenn Erickson** said the FTE would be managing the hunt for the landowners by checking the hunters in, patrolling the area to make sure the hunters are parked in the correct area, and that they are hunting in the correct area. The technicians will hand out the permission slips and collect them at the end of the day. In some cases, the landowner manages these tasks himself.

SEN. TASH commented that in his area there are many landowners who choose to manage the hunters themselves.

{Tape: 1; Side: A; Approx. Time Counter: 7 - 11}

SEN. BUTCHER asked if the Department hired college students for these jobs. **Glenn Erickson** replied that often it is local people wanting part-time work although, at times, it is college students. The technicians work under the Block Manager Coordinator for the region.

SEN. NELSON inquired if some block management areas were unmanned. **Glenn Erickson** said that in some cases that is true.

CHAIRMAN PATTISON asked for clarification on the funding contained in SB285. **Glenn Erickson** replied that a \$2 resident fee and \$10 nonresident fee was applied to the first game license a person purchased each year. The actual fees collected totaled \$733,000 but were not available the first year of the biennium because of the difference in the fiscal year and the license

year. The \$733,000 is the amount the Department actually collected but it is not part of the base appropriation, and this action would restore the amount to the base.

SEN. BUTCHER asked if the Block Management program has had problems necessitating the hiring of the technicians or if the Department was just wanting to provide a service. **Glenn Erickson** said the landowners felt a need for the technicians. The technicians would allow the Department to meet the needs of the landowners by making sure someone is monitoring the hunters, and that the landowners are not being disturbed.

{Tape: 1; Side: A; Approx. Time Counter: 11 - 20}

SEN. TASH commented that concern over weeds with hunters driving over a landowner's property is one of the reasons landowners choose to use the technicians. Some landowners want to allow for hired game retrieval which is perceived as the use of outfitters. More incentives need to be included in the Block Management program to encourage landowner participation. Absentee landowners need to be encouraged to participate in the program. Technicians may not have the rapport with the landowner that a game warden is able to develop.

CHAIRMAN PATTISON asked **SEN. TASH** about his opinion on how the Block Management program could be improved. **SEN. TASH** stated he felt the remedy might need to be legislative. The way the program is set up is by defined contract. Some landowners are opting out and allowing outfitters in on the area instead. The Department should consider offering more incentives to the landowners, especially absentee landowners, to get them to use the Block Management program more.

{Tape: 1; Side: A; Approx. Time Counter: 20 - 30}

Glenn Erickson stated that technicians are onsite to check hunters in and out. They also patrol and make sure hunters are in the right areas.

CHAIRMAN PATTISON said that **SEN. TASH's** comments should be heeded by the Department.

DP202

Glenn Erickson addressed DP202 which would restore full funding for the biennium from the variable price hunting license. The Department is targeting certain areas where more access is needed and where wildlife numbers are too great and/or landowner tolerance is too low. The timing of the license and hunting year

in conjunction with the fiscal year made it difficult to coordinate the funding and the program.

REP. RIPLEY asked what the money would be used for. **Glenn Erickson** replied that the money would be spent on landowner contracts, weed mitigation and similar tasks.

SEN. NELSON asked for and was provided a map showing the Block Management areas.

CHAIRMAN PATTISON asked for clarification on the total funding for the Block Management program. **Glenn Erickson** said that approval would bring the funding back up to \$5.7 million in FY04 and \$5.77 million in FY05.

DP203

Glenn Erickson addressed DP203 which is a present law base adjustment of \$41,000 for each of the two fiscal years for the Game Damage program. In winter of 2001 and 2002 the funds were not fully expended because of the mild winter. Landowners are eligible for game damage assistance if they allow public hunting during established seasons. The Department may provide game damage assistance when hunting on a landowner's property has been denied because of safety reasons, such as proximity to buildings.

REP. RIPLEY asked what the funding level was for a more severe winter. **Glenn Erickson** stated that the base expenditures during the base year totaled \$336,000, and the proposed funding would restore the level to \$378,000. In the winter of 1997 the Department spent approximately \$550,000 on game damage.

{Tape: 1; Side: B; Approx. Time Counter: 1 - 7}

Glenn Erickson said that some actions taken under the Game Damage program do protect the landowner for more than one season, such as providing panels and fencing. The program does contain some preventative measures.

CHAIRMAN PATTISON asked what was happening in the program so far this winter. **Glenn Erickson** said that little game damage had occurred given the mild winter. Game damage hunts are associated with this program. The Department can react to the request of landowners within a week to set up a special hunt.

CHAIRMAN PATTISON asked if the Department sold special tags or licenses for the game damage hunt. **Glenn Erickson** replied that most often the Department utilizes the list of people who had

applied for a permit in the area but were unsuccessful in the draw. They do not have to purchase any additional license.

DP204

Glenn Erickson discussed DP204, which is a present law base adjustment to increase the Department's authority to afford anticipated rental increases for leased land. The request relates to the Blackfoot Clearwater Wildlife Management Area where the Department is leasing state school trust lands from the Department of Natural Resources and Conservation (DNRC) for \$20,000. Ten thousand dollars of the request applies to the Thompson Falls State Park. Previously the AVISTA Corporation paid this lease.

DP205

Glenn Erickson introduced DP205, Net Client Hunting Use, which is a request for \$40,000 for each of the two fiscal years. The amount is based on an estimate of funding which may come into the Department from fees charged to hunting outfitters who request an increase in their operating permit. The Department is mandated to analyze the impacts on wildlife, landowners, and habitat which may result by an outfitter expanding his operation plan. The report is sent to the Board of Outfitters for their use in determining whether or not to issue the increased use permit.

DP207

Glenn Erickson said DP207 was a request for an increase in the internal services rate for Division vehicles. The funds are State Special Revenue in the amount of \$43,405.

DP208

Glenn Erickson stated that DP208 is to restore the base to \$18,437 for each year of the biennium to allow the Division to meet county taxes and assessments. The Department pays taxes in 37 counties around the state.

{Tape: 1; Side: B; Approx. Time Counter: 7 - 17}

SEN. TASH asked for the rate for the taxes. **Glenn Erickson** replied that the rate varies by county. The Department pays the same rate as any other property owner in the county.

CHAIRMAN PATTISON asked why the taxes were paid out of the General License account. **Glenn Erickson** replied that the federal funds demanded a state match and General License funds are appropriate since the taxes are on wildlife management areas.

DP212

Glenn Erickson said that DP212 was the Public Wildlife Interface program which is a competitive grant program dealing with the wildlife problems in the urban/suburban interface. Under one grant the Department worked with the county in the Blackfoot Valley to obtain bear-proof dumpsters and remove food sources which attract bears. In addition, the Department worked with the City of Billings on a Living With Lions program, an awareness program. The request is for an adjustment to continue the \$65,000 biennial appropriation. In the base year the Department spent \$21,248 and this DP would restore the funding to the full amount.

SEN. BUTCHER asked when given the increasing bear and lion problems, the Department is actually going to start educating people that lethal control efforts are needed. **Glenn Erickson** said in the areas addressed by these grants, natural food sources exist for the bears and lions. The educational program is directed toward helping people learn how to live with those animals.

CHAIRMAN PATTISON asked how the Department is working with people who are living out further. **Glenn Erickson** said that in areas where there is a lot of bear and lion activity, the Department is dealing with landowners no matter where they are. A lot of the work is done with the counties.

{Tape: 1; Side: B; Approx. Time Counter: 17 - 27}

DP214

Glenn Erickson stated that DP214 would restore the base operation in the Field Services Division at \$46,250 for each fiscal year. Several positions were vacant for lengthy periods for a variety of reasons, and as a result, the full operations budget was not spent. Some capital and lands projects were delayed.

CHAIRMAN PATTISON asked if the FTE were shown on the MBARS sheet. **Glenn Erickson** said that the request is for operations only, not for FTE.

Gary Hamel explained that because the positions were vacant, the Department was not spending funds for operations' costs related to the FTE.

REP. RIPLEY asked for clarification on the request. **Gary Hamel** stated that because the FTE were vacant, the Department was not spending money for travel expenses, computers, equipment and the kind of day-to-day operations expenses.

REP. RIPLEY asked how many FTE would be funded by the appropriation. **Glenn Erickson** clarified that the positions have been filled and had been vacant during the base year only. The number of positions is about three FTE.

CHAIRMAN PATTISON asked how are the operations being funded if the FTE are now filled. **Glenn Erickson** said the FTE is now in the base, and the funding is available. **Kelly Gorin, OBPP**, said that the operations were in the base in FY02 and carried forward to FY03. The base is established on a "snapshot" in time, and because the positions were vacant when the snapshot was taken, the funding does not carry forward into this appropriation base year.

SEN. BUTCHER asked for clarification for the number of FTE and was told it was three. **REP. RIPLEY** summarized that the three FTE would each spend about \$13,000 per year. **Glenn Erickson** said that it was a combination of what the FTE would spend as well as additional costs incurred by other positions because that FTE was active.

{Tape: 1; Side: B; Approx. Time Counter: 27 - 30}

DP206

Glenn Erickson introduced new proposals, beginning with DP206, Legislative Contract Authority. The request is for \$460,000 in each year of the biennium. This would provide authority to Field Services to use federal funds when they become available for use with the Access Montana Program. Through Access Montana the Department works with federal agencies and private landowners to improve public access to public lands. This often involves work with the United States Forest Service or the Bureau of Land Management.

{Tape: 2; Side: A; Approx. Time Counter: 1 - 8}

SEN. BUTCHER asked if the money was being spent to buy easements. **Glenn Erickson** said some of the funds are used for signing for public lands or for parking areas. The projects are designed to find public access to public lands without impacting the private landowners.

SEN. TASH asked if this was an example of hunters with disabilities accessing Forest Service lands. **Glenn Erickson** said that the program most often addresses all of the public finding a way to get to the public land that has fewer negative impacts for both the landowner and the public.

DP209

Glenn Erickson introduced DP209, a request for an additional .5 FTE in the Lands Unit. The Department has 50 conservation easements. Approximately forty-four percent of the Department's lands are under easements with thirty-nine percent in fee ownership, and seventeen percent in leases. Easements are a "living document," and the Department is frequently contacted by the landowners about the operation plans or other changes to the easement. The Division has been unable to respond to requests from landowners in a timely fashion.

REP. RIPLEY asked how large the easements were. **Glenn Erickson** said some easements are as large as 30,000 acres and some are as small as 1,100 acres.

SEN. TASH asked if the easements were contracted for 99 years. **Glenn Erickson** said the contracts were for perpetuity.

{Tape: 2; Side: A; Approx. Time Counter: 8 - 15}

SEN. BUTCHER said Montana law precluded trusts in perpetuity.

SEN. TASH said that most trusts are written for 99 years and renewable. By statute they cannot be written for perpetuity.

Director Hagener said that easements into perpetuity are allowed.

REP. MUSGROVE pointed out that perpetuity is allowed for charity purposes.

DP210

Glenn Erickson addressed DP210 which is a Private Landowners Technical Services project funded with General License money. The pilot project would offer technical services to assist private landowners with wildlife management. The request is for \$40,000 for each fiscal year. The project would help private landowners integrate wildlife into their land management decisions and work to reduce or prevent wildlife impacts.

SEN. TASH asked for examples where multiple use is permitted by contract with the Department, especially where it concerns grazing in conjunction with other purposes. **Glenn Erickson** said that wildlife management areas are managed for improvement of vegetation for wildlife. That involves the use of livestock to allow for grazing to improve the vegetation. **SEN. TASH** commented that for 20 years he had been working to try to effect that kind of cooperative agreement on Department land contiguous to private land. On the Poindexter Property the private landowner has been unable to access the land for grazing because the property was purchased by the Department with Pitman-Robinson funds which dedicates the property to fisheries. **Glenn Erickson**

said that the Department had seen some very good results from the type of grazing SEN. TASH had mentioned.

{Tape: 2; Side: A; Approx. Time Counter: 15 - 25}

DP211

Glenn Erickson introduced DP211, a collaborative elk management project. Funding would be from General License fund in the amount of \$40,000 for each of the two fiscal years. The project would work to resolve problems across the state with elk populations that are too high. This would be a cooperative effort involving sportsmen, private and public landowners, absentee landowners and public entities.

DP213

Glenn Erickson said that DP213 addresses the recreational use of state lands and would allow the Department budget authority to enter into the MOU with DNRC to compensate them for the recreational use of state lands. The original request was for \$460,000 for FY04 and FY05. This would add a fee to the Conservation License which would go to the school trust, and the citizen would not have to purchase a recreational use license. SB130 addresses this proposal and would fund the proposal. The value was established by an average of the Conservation License sales over the past few years.

SEN. TASH reported that the Senate Natural Resource Committee had heard the bill, and it might be considered for executive action next week.

{Tape: 2; Side: A; Approx. Time Counter: 25 - 30}

Dan Ellison, Chief Administration and Finance, provided responses to questions that had been put forth by the Committee. The Department had contacted the license provider who had spoken to REP. MUSGROVE. On the issue of a voided transaction, the provider cannot be reimbursed the transaction fee.

SEN. TASH had inquired about Montana licenses that are sold by out-of-state providers. Eight providers in other states do sell Montana licenses. In the current license year, over 1,155,000 licenses and tags were sold by retail outlets in Montana.

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CHAIRMAN PATTISON asked if commissions were paid on all the licenses, and **Dan Ellison** confirmed that was the case. The Department paid \$0.50 to the vendors for each transaction.

Dan Ellison confirmed with REP. RIPLEY that his question had been answered about printing contracts for regulations. **Dan Ellison**, in response to a comment by SEN. NELSON said that license transactions fees had been \$0.15 before 1981, increasing to \$0.30 in 1982 and to \$0.40 in 1992. The current rate of \$0.50 per transaction has been in place since 1993.

Dan Ellison discussed the Automated License System with SEN. BUTCHER, providing details on the phases of development and the attendant costs. Prior to the initiation of the computer system, a paper system was used.

Dan Ellison presented CHAIRMAN PATTISON with details on the types of aircraft owned by the Department. **Dan Ellison** continued, addressing question from the Committee regarding the costs and procedures involved with setting up and operating as a licensing agent for the Department. Demand for and availability of licenses in the community are the main determining factors. In some instances no one in the area is interested in affording the setup costs to sell licenses while in other areas, businesses are offering to pay all the initial costs in order to become a license agent.

Tape: 2; Side: B; Approx. Time Counter: 14 - 30

Dan Ellison addressed the aviation contracts and use of leased aircraft by the Department. **CHAIRMAN PATTISON** inquired about what services were provided by the aviation contractors. **Dan Ellison** stated the contractors provided many program services including moving livestock, game surveys, and hauling cargo. Rates vary by location and may be a function of the way the aircraft is equipped, the lack of competition in the area or the current demand for services. Contracts are handled through the state standardized bidding process.

DP414

Jim Kropp addressed the funding proposal for the Water Safety program contained in DP414. The proposal asks for the restoration of unspent funds in the amount of \$35,000 in FY02 for daily operations of warden activity. The rest of the request is for \$600,000 for the Water Safety program.

DP402

Jim Kropp said that DP402 is the balance of the Recreation Enforcement Program Manager. The \$60,000 for FY04 and FY05 is comprised of 50 percent from recreation enforcement and 50 percent from boat safety.

DP416

Jim Kropp stated that the funding request in DP416 is present law. The Department is requesting the restoration of \$5,211 of unspent operation funds. The request in DP415, the off-highway vehicle program, is for the restoration of \$10,780 in operations.

Jim Kropp said that the hours of game warden training total 11,225 hours annually for an average of 11 per warden per month. This averages 132 hours per year for each warden. The approximate total annual cost is \$230,000. **SEN. TASH** asked if credit was given for previous training or experience. **Jim Kropp** said that the field game warden hiring process does emphasize previous experience.

DP401

REP. RIPLEY asked how these figures related to the numbers provided in DP401. **Jim Kropp** stated that DP401 is the proposal for the warden trainee program. Many of the field training officers spend time with the warden trainees during their first six months of training.

CHAIRMAN PATTISON asked about the total number of officers. **Jim Kropp** said that the Department has 86 sworn peace officers. The Division has 102 total FTE. Five employees are members of a special investigation unit, and they are nonuniformed officers.

{Tape: 3; Side: A; Approx. Time Counter: 16 - 30}

Gary Hamel outlined the General Fund expenditures in the Department budget. The FY2002 base expenditures of \$281,816 with the addition of a statewide present law adjustment of \$79,240 and \$89,430 respectively results in an adjusted base of \$289,740 and \$290,759. The legislative budget which was adopted as a result of the global motions decreased the base to \$277,491 which is the base the Department is working from at this point. The total unspecified reductions from the adjusted base are \$12,249 and \$13,268 for each of the two fiscal years.

If the Committee adopts the executive proposals for General Funds reductions, the result is an unspecified increase. The Parks Division would experience a reduction of \$31,745 each year, and Conservation Education would see a complete elimination of General Fund of approximately \$25,065 and \$25,077 respectively for FY04 and FY05, leaving an unspecified increase if the General Fund decision packages are adopted of \$22,061 and \$21,054.

Some of the issues which may be considered include the elimination of General Fund in the Parks Division with a

potential offset by an increase in parks fees. The Department could explore State Parks' Futures suggested funding alternatives. Some other options are legislative proposals to adopt the executive General Funds reductions of \$31,310 and \$34,322.

The next proposal is to eliminate the remaining General Fund which amounts to \$243,181 and \$243,169 for FY04 and FY05. This which would eliminate General Fund from the Department and would leave no unspecified reduction. The unspecified reduction would be any that resulted because of the global motion that was adopted at the start of the general Legislative session.

Gary Hamel stated that if it was the Committee's desire, they could approach the General Fund at this point, and could adopt the executive proposal of the two decision packages in the gray area as well as make adopt a motion to remove the remaining General Fund

Kelly Gorin said that the numbers that the Committee is using with the base are different from the executive base. The executive would only support the reduction of the amount it would take it to reach executive request, a reduction of \$22,051 in 2004 and \$21,054 in 2005.

CHAIRMAN PATTISON asked Doug Monger about other bills introduced this session that would impact the Parks Division. **Doug Monger** replied that SB82 would create a referendum to create a two mill property tax levy for state parks. The mill levy would replace the parks' entrance fees. If that passes, it would replace General Fund. The proposal would go to the voters in November of 2004, and it would not affect this biennium for a replacement of General Fund. The second bill, LC582, proposes to replace the day use fees at state parks and to replace the General Fund that state parks receives in exchange for putting an optional four-dollar fee on light vehicle licensing.

CHAIRMAN PATTISON asked what amount of revenue was projected to be generated by that bill. **Doug Monger** stated that two mills would generate around \$3.4 million. Backing out the entrance fees that are currently being collected plus the General Fund results in a net of about \$2.6 million. The numbers are similar for LC582. One other proposal has been tabled, and SEN. SPRAGUE's bill is dedicated to the fishing access sites.

SEN. NELSON asked if the amount listed in the gray area would take all the **Division's** General Fund. **Doug Monger** replied that it would take an equivalent amount to that which was removed

during the initial executive proposal, less the \$31,000, which would result in a balance of \$255,000 in General Fund. Using the 2000 base that the legislature adopted, and subtracting the \$22,000, the result would be the same \$255,000 in the General Fund balance.

Doug Monger stated that SB287, dedicated to water-based recreation, would generate about \$500,000-\$600,000 in revenue.

Gary Hamel stated that the Committee would need a motion for NP7612 and PL7809 and that both could be addressed in one motion.

{Tape: 3; Side: B; Approx. Time Counter: 1 - 17}

CHAIRMAN PATTISON asked for a motion on NP7612.

Motion/Vote: REP. RIPLEY moved that NP7612 DO PASS. Motion carried 7-0.

Motion/Vote: REP. PATTISON moved that GENERAL FUND REDUCTION IN PROGRAM 8, CONSERVATION EDUCATION, PL7809, DO PASS. Motion carried 7-0.

Gary Hamel stated that the last item was the elimination of the remaining General Fund. **CHAIRMAN PATTISON** reminded the Committee that there are three bills that are probably going to put some money back in the Park's funding should they all be passed.

SEN. SHEA stated that SB82, the referendum, will not help the Department right now. **SEN. NELSON** expressed sympathy for the Parks Division. The parks need to be maintained for visitors to the state. **SEN NELSON** asked if the Committee could propose an amendment or make the reduction contingent on the passage of some other funding source.

Gary Hamel stated that the Committee could make a motion to eliminate the General Fund contingent on one of those three particular bills passing. He stated he could draft some language to that effect.

SEN. NELSON said, "Mr. Chairman, I would like to make that motion."

REP. RIPLEY asked that if the Committee did eliminate the remaining General Fund, would the Committee have a chance to revisit that decision. **SEN. SHEA** commented that SB82 is far down the road. **SEN. NELSON** stated that Parks would not have money to

function. **Gary Hamel** stated that the Committee could tie the reduction to one of those or all of the three other proposals.

REP. RIPLEY asked if it would be better to eliminate the General Fund. He commented that the Committee would see what happens to one of the bills mentioned and could revisit the issue at a later time.

CHAIRMAN PATTISON said the Committee would have to do that by HB2 transmittal date.

Gary Hamel stated that revisiting the funding was an option. The Committee would have until Conference Committee to put the funding back into HB2.

Kelly Gorins pointed out that if the General Fund reduction does pass, and these other bills do not pass, it would cut into the Parks' operations as they are now. If the bills do pass, there may be a lag time until the funds come in and there could be a time where there is no funding.

SEN. SHEA, addressing **SEN. NELSON's** motion, stated that if SB82 passed and the other two did not, there would be no funding until and unless the referendum passed.

CHAIRMAN PATTISON asked Doug Monger how much money remained in the Parks' budget. **Doug Monger** stated that at the end of this biennium he would have \$250,000 in the bank. At the end of the next biennium the balance would be a negative \$1.1 million, assuming that the General Fund remains in the current budget. "I will have to cut \$250,000 additional of state special out of our budget during this biennium to ensure that the balances for the following bienniums are positive," **Doug Monger** said.

SEN. NELSON stated that she would like to go ahead with the motion because she did not want to leave the issue to chance. "I would make my motion contingent on LC582 and/or SB287."

Motion/Vote: **SEN. NELSON** moved to **ELIMINATE THE BALANCE OF GENERAL FUND IN THE PARK'S BUDGET CONTINGENT ON THE PASSAGE OF LC582 AND/OR SB287 DO PASS. Motion failed 3-4 with SEN. NELSON, SEN. SHEA and REP. MUSGROVE voting aye.**

CHAIRMAN PATTISON asked if the money would go into the Park's budget if SB82 or SB287 passed. **Doug Monger** explained that if SB82 passed, it would be sent to the voters in November of 2004, and if the referendum was passed, funding would not occur until

the second period of 2005 when property taxes would be collected.

Doug Monger stated that under SB287, 50 percent of the funding would go to the Fishing Access and the River Program, and would not be available to state parks. The remaining piece of that bill, about \$200,000, would be split between state parks and the Law Enforcement Division and, of that amount, the piece that comes to state parks or about \$125,000, must be spent on parks where motor boating is occurring.

Doug Monger continued, stating that the General Fund is used for land-based, cultural parks. SB287 does not help the parks that are being reduced if the General Fund is eliminated. Senator Keenan's license plate bill would go directly to parks, but would not be available until the following license plate season, January 2004.

Gary Hamel stated that since SEN. NELSON's motion to remove the General Fund failed 3-4, the General Fund remains in Parks. He asked the Committee if they wanted to make a motion to remove that General Fund.

Motion/Vote: REP. PATTISON moved TO REMOVE THE GENERAL FUND FROM THE PARK'S DIVISION BUDGET DO PASS. Motion carried 5-2 with SEN. SHEA and SEN. NELSON voting no.

DP101

Gary Hamel outlined some decision package modifications presented by the Department. DP101 is a request for additional commissions to be paid to license agents for transactions including the sale of hunter access fees, a resident 2-day fishing license, mountain lion license, duplicate license and Migratory Bird Harvest Survey. The LFD does not feel that the sale of the hunter access fee and the handling of the Migratory Bird Harvest Survey constitutes a transaction.

The Committee could reduce the DP by \$70,188 plus an additional \$833 for the bird harvest for a total reduction of \$71,021. In addition to the reduction of \$71,021 to the original DP Migratory Bird Survey and the hunter access fee, based on past Migratory Bird Survey commissions paid in the 2002 license year, the LFD recommends the reduction of General License authority by \$8,357 which represents the commissions to state license agents in 2001.

Motion/Vote: SEN. NELSON moved that DP101 BE REDUCED BY \$71,021.00 IN CURRENT LICENSE SALES AND \$8,357.00 FOR PAST SALES DO PASS. Motion carried 7-0.

PL102

Gary Hamel presented PL102 which addressed seasonal overtime. The funding would maintain the current budget level for overtime since overtime paid is not carried forward. The adjustment continues the FY2002 spending level into 2004 and 2005. The DP totals \$16,173 of General License account for each year of the biennium.

Motion/Vote: SEN. SHEA moved that PL102 DO PASS. Motion carried 7-0.

{Tape: 3; Side: B; Approx. Time Counter: 25 - 27}

Motion/Vote: SEN. NELSON moved that DP104, HIRE A CONTRACTOR FOR THE AUCTION OF THE BIG HORN SHEEP LICENSE DO PASS. Motion carried 7-0.

Motion/Vote: SEN. BUTCHER moved that DP105, PERIODIC PROPERTY INVENTORY DO PASS. Motion carried 7-0.

Gary Hamel asked Committee members to include "one-time only, restricted" on a motion if that is their desire.

The request for funding for additional accounting function support staff did not receive a motion, so no action was taken on the proposal.

ADJOURNMENT

Adjournment: 12 P.M.

REP. JEFF PATTISON, Chairman

ELAINE G. OLSEN, Secretary

JP/EGO

EXHIBIT (jnh20aad)